

Docket No. AT9-99-697



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Amro et al.

Serial No. 09/434,803

Filed: November 5, 1999

For: Interoperable/Heterogeneous
Environment Keyboard

§
§ Group Art Unit: 2673
§
§ Examiner: Patel, Nitin
§
§
§
§

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Board of Patent Appeals
and Interferences

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By:

Carrie Parker
Carrie Parker

APPELLANT'S BRIEF (37 C.F.R. 1.192)

This brief is in furtherance of the Notice of Appeal, filed in this case on June 28, 2002.

The fees required under § 1.17(c), and any required petition for extension of time for filing this
brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief is transmitted in triplicate. (37 C.F.R. 1.192(a))

REAL PARTIES IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-15

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: None
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1-15
4. Claims allowed: None
5. Claims rejected: 1-15

C. CLAIMS ON APPEAL

The claims on appeal are: 1-15

STATUS OF AMENDMENTS

There are no unentered amendments in this case.

SUMMARY OF INVENTION

The present invention minimizes the number of keyboards required to service a large number of computers. In a preferred embodiment, the system includes a peripheral input device, such as a keyboard or mouse, and a plurality of data processing systems. (Figure 1, p. 5, lines 7-9). Each of the data processing systems has a wireless receiver for receiving wireless communications from the peripheral input device. (p. 5, lines 18-29). The peripheral input device includes a computer selector for selecting one of the plurality of data processing systems to which the peripheral input device will interact. (p. 5, lines 21-29). The peripheral input device also includes a wireless transmitter for providing communications with any one of the plurality of data processing systems. (p. 5, lines 19-29).

ISSUES

1. Whether claims 1-5, 7, and 9-14 are anticipated under 35 U.S.C. § 102(e) by *Brusky* (U.S. Patent No. 5,903,259).
2. Whether claims 6, 8, and 15 are obvious under 35 U.S.C. § 103(a) in view of *Brusky* and *Sidlauskas* (U.S. Patent No. 6,133,833).

GROUPING OF CLAIMS

The claims stand or fall together.

ARGUMENT

I. 35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1-5, 7, and 9-14 under 35 U.S.C. § 102 as being anticipated by *Brusky et al.*, (U.S. Patent No. 5,903,259). This rejection is respectfully traversed.

Specifically, the Examiner has stated:

As per claim 1, *Brusky* teaches a wireless computer peripheral input device (In Fig. 2 element 38 and In Col. 5 lines 1-5 and In abstract) for use with a data processing (In fig. 2 element 26 and In col. 4 lines 47-67), the input device comprising:

a wireless transmitter for transmitting signals (In Col. 5 lines 4-5);
a selector for selecting for selecting a one of a plurality of data processing systems (In Col. 8 lines 5-9) with which to operate wherein invoking the selector causes a signal (In Col. 7 lines 47-57) to be transmitted from the wireless transmitter. (Office Action 7-30-01, pp. 2-3).

Claim 1 reads:

1. A wireless computer peripheral input device for use with a data processing system, the input device comprising:
 - a wireless transmitter for transmitting signals; and
 - a selector for selecting a one of a plurality of data processing systems with which to operate, wherein invoking the selector causes a signal to be transmitted from the wireless transmitter.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). *Brusky* fails to anticipate the presently claimed invention because it fails to show all of the elements of the claimed invention.

The rejected independent claims 4, 7, and 13 recite: "a selector for selecting a one of a plurality of data processing systems with which to operate," "a computer selector for selecting one of the plurality of data processing systems for interaction with the peripheral input device," and "receiving a selection of a particular data processing system of the plurality of data processing systems," respectively. These features are not taught by *Brusky*.

Brusky teaches a wireless keyboard for a *single* computer system, wherein the keyboard doubles as a remote control for other household devices, such as a television or VCR.

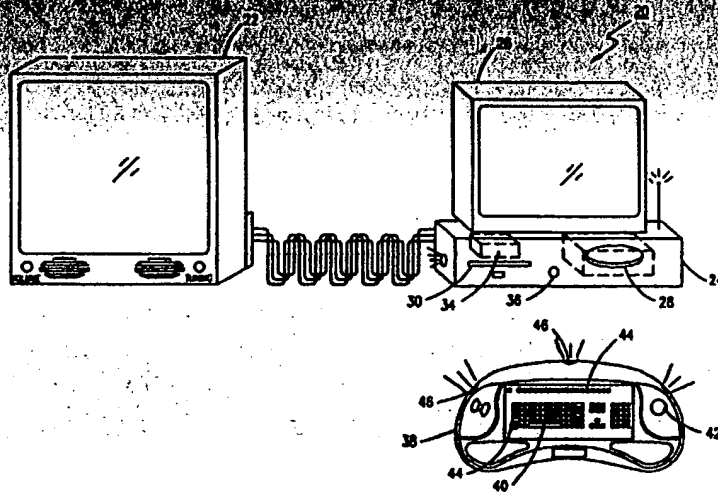
A person of ordinary skill in the art would understand and appreciate the multitude of variations with respect to mapping remote control commands into a wireless computer keyboard and/or transmitting the remote control signals from the wireless computer keyboard to control both a computer and at least one other remotely controllable electronic system that may or may not be converged with the computer. [Col. 8, lines 20-28].

The present invention is different. The present invention is directed toward a keyboard that services multiple computer systems. In the present invention, a user uses a selector on the keyboard to choose the particular computer the user wishes to use:

The present invention minimizes the number of keyboards required to service a large number of computers. In a preferred embodiment, the system includes a peripheral input device, such as a keyboard or mouse, and a plurality of data processing systems.

Each of the data processing systems has a wireless receiver for receiving wireless communications from the peripheral input device. The peripheral input device includes a computer selector for selecting one of the plurality of data processing systems to which the peripheral input device will interact. The peripheral input device also includes a wireless transmitter for providing communications with any one of the plurality of data processing systems. [Summary of the Invention, p. 3, lines 4-17].

To sum up, *Brusky* uses a wireless keyboard for a single computer as a remote control for at least one other electronic device. The present invention, as recited in claims 1, 7, and 13, selects one of a plurality of data processing systems to use a wireless device with. Therefore *Brusky* fails to teach all elements of the claimed invention, and thus fails to anticipate the invention as recites in claims 1, 7, and 13. The drawings below, taken from *Brusky* and the present application, emphasize this point.



Brusky Reference

MULTIPLE COMPUTER ENVIRONMENT WITH
HETEROGENEOUS/INTEROPERABLE KEYBOARD

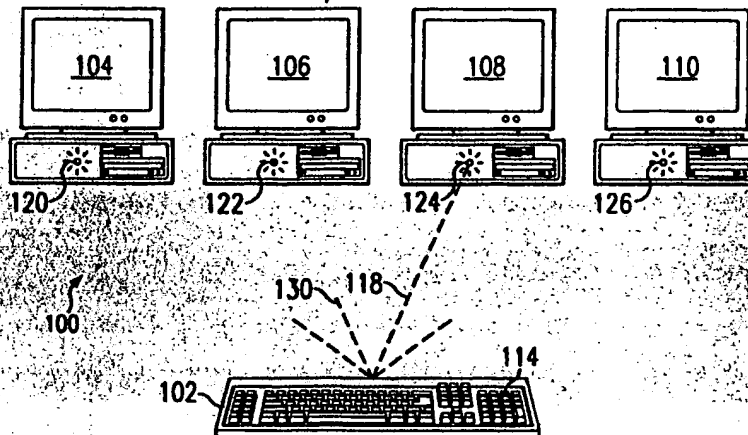


FIG. 1

Present Invention

In response to Appellants' arguments in this regard, the Examiner made the following remarks:

Applicant's arguments filed 01/18/2002 have been fully considered but they are not persuasive. Applicant's arguments prior art fails to teach a wireless keyboard controlling a plurality of computers, Examiner would like to point out (in Col. 8 lines 5-8) that wireless keyboard controlling plurality of device (electronics device as a plurality of computers), Further Applicant's argument that mouse as the wireless input device not taught by Brusky, Examiner would like to point out (In Col. 4 lines 12-13) that a input device could use such as a mouse device and further In Application drawings nowhere its shows a mouse as a input device, all it illustrates as a keyboard controlling plurality of devices.

The Examiner apparently argues that because a computer or data processing system is an electronic device and since *Brusky* teaches controlling both a computer and an attached electronic device with a wireless keyboard, *Brusky* anticipates the presently claimed invention. Appellants respectfully disagree.

Each of the independent claims recites either a computer selector to allow a user to select a particular data processing system to use or a selection of a particular data processing system to use. *Brusky* does not teach a selector or a selection of a particular data processing system from a plurality of data processing systems. Instead, what *Brusky* teaches is using a single wireless keyboard to control *different types* of devices, such as a single data processing system and a

VCR, or a single data processing system and a television, for example:

In view of the limitations and shortcomings of the aforementioned separate IR remote control and wireless computer keyboard, as well as other disadvantages not specifically mentioned above, it is apparent that there exists a need for a wireless or IR keyboard that is adapted to send standard make-break signals to an IR receiver associated with a computer, but also be adapted to transmit IR signals in a format that can be accepted and understood by an IR receiver associated with a television, VCR, CD player, stereo system or other remotely controlled device that is either associated with the computer or separate from the computer.

The present invention may provide schemes to map non-computer related remote commands into a wireless keyboard so that a converged electronic device can be controlled by a computer when the mapped commands are received by the computer from the computer keyboard. [col. 2, lines 27-44].

Thus, *Brusky* teaches a keyboard that has, for example, a "TV mode" and a "computer mode," so that the keyboard sends television remote control signals while in one mode, but wireless computer keyboard signals in the other mode.

The advantage of a wireless computer keyboard configured to have remote control functionality mapped into it is that a user could be working on or preparing a document in PC mode and decide to switch to TV mode. At this time, the user would not have to put the wireless computer keyboard down, then find and pick up the television remote control to operate the system in TV mode. Instead, the wireless keyboard could be used as the television remote control as well. Channels could be changed, volume could be adjusted, etc. [col. 5, lines 35-44].

Nowhere does *Brusky* teach or suggest including a selector that allows a user to select one of a plurality of the same type of device (such as two or more computer systems or even two or more televisions) to work with. The *Brusky* input device may be configured to choose between different types of devices to control, but not different instances of the same type of device. Thus, the presently claimed invention is patentably distinct from *Brusky* in that the independent claims of the present application are directed toward selecting one of a plurality of data processing systems (i.e., the same type of device), since *Brusky* teaches only a selection between devices of different types (e.g., between a computer and television). Therefore independent claims 1, 7, and 13 are patentable over *Brusky*.

Since claims 2-5, 9-12, and 14 depend from claims 1, 7, and 13, the same distinctions between *Brusky et al.*, (U.S. Patent No. 5,903,259) and the claimed invention in claim 1 for these claims. Consequently, it is respectfully urged that the claims 2-5, 9-12, and 14 are in condition

for allowance. Appellants respectfully submit that claims 1-5, 7, and 9-14 are in condition for allowance. Appellants respectfully request that claims 1-5, 7, and 9-14 be allowed.

II. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 6, 8, and 15 under 35 U.S.C. § 103 as being obvious in light of *Brusky et al.* (U.S. Patent No. 5,903,259) and *Sidlauskas et al.*, (U.S. Patent No. 6,133,833). This rejection is respectfully traversed.

If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Claims 6, 8, and 15 are dependent claims that depend on independent claims 1, 7, and 13. Appellants have already demonstrated claims 1, 7, and 13 to be in condition for allowance. Appellants respectfully submit that claims 6, 8, and 15 are also allowable, at least by virtue of their dependency on allowable claims. Furthermore, claims 6, 8, and 15 recite additional subject matter not taught or suggested by the references. For example, claims 6 and 8 recite selecting one of a plurality of radio frequencies, wherein each of the frequencies corresponds to a separate one of the plurality of data processing systems, and claim 15 similarly teaches associating a particular radio frequency with a particular data processing system. These features are neither taught nor suggested by the references. (*Sidlauskas*, which is cited by the Examiner, merely describes using different excitation and response frequencies in a radio-frequency identification system; there are no data processing systems associated with the frequencies).

For the foregoing reasons, Appellants submit that claims 6, 8, and 15 are patentable over the references. Accordingly, Appellants respectfully request that claims 6, 8, and 15 be allowed.



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APPENDIX OF CLAIMS

The text of the claims involved in the appeal are:

1. A wireless computer peripheral input device for use with a data processing system, the input device comprising:
 - a wireless transmitter for transmitting signals; and
 - a selector for selecting a one of a plurality of data processing systems with which to operate, wherein invoking the selector causes a signal to be transmitted from the wireless transmitter.
2. The input device as recited in claim 1, wherein the input device is a keyboard.
3. The input device as recited in claim 1, wherein the input device is a computer mouse.
4. The input device as recited in claim 1, wherein the wireless transmitter is an infra-red transmitter.
5. The input device as recited in claim 1, wherein the wireless transmitter is a radio frequency transmitter.
6. The input device as recited in claim 5, wherein the selector allows selection of one of a plurality of radio frequencies, wherein each of the plurality of radio frequencies corresponds to a separate one of the plurality of data processing systems.
7. A computing system, comprising:
 - a plurality of data processing systems; and
 - a peripheral input device; wherein
 - the peripheral input device comprises a computer selector for selecting one of the plurality of data processing systems for interaction with the peripheral input device;

the peripheral input device comprises a wireless transmitter for providing communications with any of the plurality of data processing systems; and

each of the plurality of data processing systems comprises a wireless receiver for receiving wireless communications from the peripheral input device.

8. The computing system as recited in claim 7, wherein the wireless transmitter is a radio frequency transmitter; the wireless receiver is a radio frequency receiver; the wireless receiver of each of the plurality of data processing systems is tuned to accept input on a received radio frequency wherein the received radio frequency for each of the plurality of data processing systems is different from that of each of the other plurality of data processing systems; and the computer selector allows selection of one of a plurality of radio frequencies wherein each of the plurality of radio frequencies corresponds one of the received radio frequencies.

9. The computing system as recited in claim 7, wherein the wireless transmitter is an infra-red transmitter wherein selection of one of the plurality of data processing systems is dependent upon the orientation of the peripheral input device.

10. The computing system as recited in claim 7, wherein the wireless transmitter is an infra-red transmitter wherein each one of the plurality of data processing systems ignores signals received from the peripheral input device unless a selection signal is received indicating selection of the one of the plurality of data processing systems.

11. The computing system as recited in claim 7, wherein the peripheral input device is a keyboard.

12. The computing system as recited in claim 7, wherein the peripheral input device is a computer mouse.

13. A method for accessing a plurality of data processing systems using a wireless input device, the method comprising:

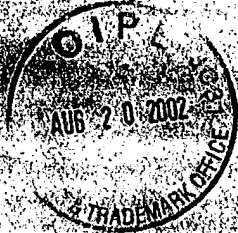
receiving a selection of a particular data processing system of the plurality of data processing systems;

transmitting a signal from the wireless input device to only activate the particular data processing system within the plurality of data processing systems; and

sending data from the wireless input device to the particular data processing system after transmitting the signal to the particular data processing system.

14. The method as recited in claim 13, wherein the signal is a code recognized by the particular data processing system.

15. The method as recited in claim 13, wherein the signal is a frequency recognized by the particular data processing system.



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Technology Center 2600

In re application of: Amro et al.

Serial No.: 09/434,803

Filed: November 5, 1999

For: Interoperable/Heterogeneous
Environment Keyboard

§ Group Art Unit: 2673

§ Examiner: Patel, Nitin

§ Attorney Docket No.: AT9-99-697

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By: Carrie Parker
Carrie Parker

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Assistant Commissioner of Patents
Washington D.C. 20231

Sir:
ENCLOSED HEREWITH:

- Appellant's Brief (in triplicate) (37 C.F.R. 1.192); and
- Our return postcard.

A fee of \$320.00 is required for filing an Appellant's Brief. Please charge this fee to IBM Deposit Account No. 09-0447. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to Deposit Account No. 09-0447.

Respectfully submitted,

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